**CAPTION:** **IN RE: E.J.**

**06-26-24**

APPEAL NO.: C-240171

TRIAL NO.: F20-455Z

KEY WORDS: PARENTAL TERMINATION — MAGISTRATE — OBJECTIONS —JUV.R. 40 — INDEPENDENT REVIEW — BURDEN OF PROOF — CLEAR AND CONVINCING EVIDENCE

SUMMARY:

The juvenile court failed to independently review the record following mother’s objections to the magistrate’s decision terminating her parental rights where the juvenile court’s judgment repeatedly referenced an appellate standard of review and held that the magistrate had not abused his discretion.

The juvenile court erred by shifting the burden of proof to mother in a parental-termination case where the juvenile court adopted without modification the magistrate’s finding that mother had failed to present clear and convincing evidence of her present mental-health status.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by BOCK, P.J.; BERGERON and KINSLEY, JJ., CONCUR.